

**To:** Flanagan, Sarah[Flanagan.Sarah@epa.gov]; Schaaf, Eric[Schaaf.Eric@epa.gov]; Simon, Paul[Simon.Paul@epa.gov]; Prince, John[Prince.John@epa.gov]; Carpenter, Angela[Carpenter.Angela@epa.gov]; Wilson, Eric[Wilson.EricJ@epa.gov]; Sivak, Michael[Sivak.Michael@epa.gov]; Yeh, Alice[Yeh.Alice@epa.gov]; Fajardo, Juan[Fajardo.Juan@epa.gov]; DeLuca, Kathryn[deluca.kathryn@epa.gov]  
**From:** Mugdan, Walter  
**Sent:** Thur 7/27/2017 7:37:38 PM  
**Subject:** RE: Diamond Alkali Meeting?

I don't actually know what our settlement approach is going forward, so staying away from saying anything about that tomorrow will be easy. Meanwhile, please go ahead to schedule a meeting for next week so we can discuss.

**From:** Flanagan, Sarah  
**Sent:** Thursday, July 27, 2017 3:25 PM  
**To:** Mugdan, Walter <Mugdan.Walter@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Prince, John <Prince.John@epa.gov>; Carpenter, Angela <Carpenter.Angela@epa.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>; Sivak, Michael <Sivak.Michael@epa.gov>; Yeh, Alice <Yeh.Alice@epa.gov>; Fajardo, Juan <Fajardo.Juan@epa.gov>; DeLuca, Kathryn <deluca.kathryn@epa.gov>  
**Subject:** RE: Diamond Alkali Meeting?

*Privileged and Confidential Attorney-Client Communication*

Okay, and I'm sure you'll stay away from any discussion of our settlement approach. As we explained to Larry Silver last week, in one of a number of calls that we've had with Larry, for a settlement process to be successful, it can't be one that appears to be influenced by one party or another.

We would very much like to talk with you about where we are with the process, and our concerns, before you meet with Occidental.

**From:** Mugdan, Walter  
**Sent:** Thursday, July 27, 2017 3:17 PM  
**To:** Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Prince, John <Prince.John@epa.gov>; Carpenter, Angela

<Carpenter.Angela@epa.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>; Sivak, Michael  
<Sivak.Michael@epa.gov>; Yeh, Alice <Yeh.Alice@epa.gov>; Fajardo, Juan  
<Fajardo.Juan@epa.gov>

**Subject:** RE: Diamond Alkali Meeting?

I don't know how definite it is. At the moment it is still on my calendar for 9/6, and has not yet gotten onto my calendar for 8/8. We should perhaps talk regarding the issues you see.

Meanwhile, and perhaps as a prelude, I got an email from Mike Anderson, of Glenn Springs Holdings. He asked to speak briefly with me tomorrow by phone, and I agreed. In the past I've had occasional calls with him just to "check in." I'll let you know what comes of tomorrow's call.

**From:** Flanagan, Sarah

**Sent:** Thursday, July 27, 2017 3:08 PM

**To:** Mugdan, Walter <Mugdan.Walter@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Prince, John <Prince.John@epa.gov>; Carpenter, Angela <Carpenter.Angela@epa.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>; Sivak, Michael <Sivak.Michael@epa.gov>; Yeh, Alice <Yeh.Alice@epa.gov>; Fajardo, Juan <Fajardo.Juan@epa.gov>

**Subject:** RE: Diamond Alkali Meeting?

*Privileged and Confidential Attorney-Client Communication*

So it is definite for August 8? We thought it was to be September 6 - the new date raises issues for us and our process.

**From:** Mugdan, Walter

**Sent:** Thursday, July 27, 2017 3:05 PM

**To:** Flanagan, Sarah <Flanagan.Sarah@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Prince, John <Prince.John@epa.gov>; Carpenter, Angela <Carpenter.Angela@epa.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>; Sivak, Michael

<Sivak.Michael@epa.gov>; Yeh, Alice <Yeh.Alice@epa.gov>; Fajardo, Juan  
<Fajardo.Juan@epa.gov>

**Subject:** RE: Diamond Alkali Meeting?

Thanks for the information. You know more about the purpose of the meeting than I did. Jane Kenny promised to send an agenda and list of attendees, but these haven't arrived yet. I'll share when we get them.

**From:** Flanagan, Sarah

**Sent:** Thursday, July 27, 2017 3:02 PM

**To:** Mugdan, Walter <Mugdan.Walter@epa.gov>; Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Prince, John <Prince.John@epa.gov>; Carpenter, Angela <Carpenter.Angela@epa.gov>; Wilson, Eric <Wilson.EricJ@epa.gov>; Sivak, Michael <Sivak.Michael@epa.gov>; Yeh, Alice <Yeh.Alice@epa.gov>; Fajardo, Juan <Fajardo.Juan@epa.gov>

**Subject:** Diamond Alkali Meeting?

*Privileged and Confidential Attorney-Client Communication*

Juan just heard from Larry Silver that Occidental will be meeting with Walter on August 8, and that the topic of discussion is Occidental's concerns with EPA's "next steps process" i.e., our plan for enforcement/settlement with respect to OU2. Other than Jane Kenny and some in house Occidental people, we are not sure who is attending.

We (the Diamond Alkali team) were just in the process of setting up a larger meeting with the OU2 PRPs to discuss exactly the same topic (this meeting would of course have included Occidental). We would like know more about the August 8 meeting as it may well affect what we say to the other parties.

**From:** Mugdan, Walter

**Sent:** Tuesday, July 25, 2017 4:11 PM

**To:** Schaaf, Eric <Schaaf.Eric@epa.gov>; Simon, Paul <Simon.Paul@epa.gov>; Flanagan,

Sarah <[Flanagan.Sarah@epa.gov](mailto:Flanagan.Sarah@epa.gov)>; Prince, John <[Prince.John@epa.gov](mailto:Prince.John@epa.gov)>; Carpenter, Angela <[Carpenter.Angela@epa.gov](mailto:Carpenter.Angela@epa.gov)>; Wilson, Eric <[Wilson.EricJ@epa.gov](mailto:Wilson.EricJ@epa.gov)>; Sivak, Michael <[Sivak.Michael@epa.gov](mailto:Sivak.Michael@epa.gov)>; Yeh, Alice <[Yeh.Alice@epa.gov](mailto:Yeh.Alice@epa.gov)>; Fajardo, Juan <[Fajardo.Juan@epa.gov](mailto:Fajardo.Juan@epa.gov)>

**Subject:** FYI

FYI, Jane Kenny, representing Occidental, has asked for a “high level” meeting with Region 2 – that is, with Catherine and me – to check in on Passaic River progress. Jane spoke with Maureen Hickey in requesting this meeting. According to Maureen, Jane did not suggest that Occidental has any particular concern or complaint. Assuming the meeting is held, we will discuss who should attend.